

REMARKS

The Office Action dated December 21, 2004 has been reviewed and carefully considered. Claims 19-23 have been added. Claims 1-23 are pending in the application, of which the independent claims remain 1, 2, 8, 13 and 18. Reconsideration of the above-identified application, as amended and in view of the following remarks, is respectfully requested.

Claims 1-18 stand rejected under 35 U.S.C. 103(a) as unpatentable over U.S. Patent No. 5,799,081 to Kim et al. (“Kim”) in view of U.S. Patent No. 6,550,008 to Zhang et al. (“Zhang”) and ITU-T Recommendation H.222.0 (hereinafter “ITU-T”).

As to claim 8, item 4 of the final Office Action compares the Kim control word CW (col. 18, line 49) to the “reply message” of claim 1. More particularly, based on disclosure in Figure F.7 of ITU-T that a program stream has a stream ID, the final Office Action suggests modifying Kim so that the smart card 38 transmits the ITU-T stream ID along with its transmission of the CW to the controller 262. The final Office Action also suggests that, based on the Zhang shared session key K, the Kim processor 39 generates “a first shared key using the at least one control information pair.”

Firstly, however, claim 8 recites, “a processor for . . . generating . . . , . . . the reply message including at least one control information pair . . . , generating a first shared key using the at least one control information pair . . . ”

The Zhang shared session key K ciphers content (col. 10, line 11: “content”) such as broadcast video and audio data (col. 10, line 16(17)). Accordingly, it is unclear what motivates modifying the Kim software 39 for encrypting the Kim control word CW and the purported ITU-T stream ID.

Even if motivation could be found to modify the Kim software 39 for encrypting the Kim control word CW and the purported ITU-T stream ID, it is unclear by what motivation Kim would be modified for “generating” the shared session key K “using the at least one control information pair,” what the Office Action calls the Kim control word CW and the purported ITU-T stream ID.

Moreover, it is unclear by what motivation Kim is modified to include the ITU-T stream ID along in its transmission of the CW. Apparently, such a proposition amounts, at best, to no more than impermissible hindsight by an Examiner who has seen the present applicant’s disclosure.

Item 4 of the Office Action cites the mere existence of session keys as motivation for the combination the Office Action proposes.

However, the applicant fails to see how the mere existence of session keys would have motivated the proposed combination.

For at least all of the above reasons, the cited combination of references fails to render obvious the present invention as recited in claim 8.

As to claims 1, 2, 13 and 18, they are worded similarly to claim 8. Even though, for claims 1 and 2, the Office Action refers to Kim FIG. 21 instead of FIG. 5, all of the above arguments apply equally to claims 1, 2, 13 and 18.

Reconsideration and withdrawal of the rejections is respectfully requested.

The remaining rejected claims each depend from one of the base claims and are likewise deemed non-obvious over the cited references for at least the same reason as that asserted for the respective base claim.

New claims 19-23 have been added to more clearly point out aspects of what the inventor regards to be the invention. Support for claims 19-21 is found in the specification (e.g., page 3, lines 12-14; page 12, line 30 – page 13, line 9). Support for claims 22-23 is found in the specification (e.g., page 9, lines 1-15).

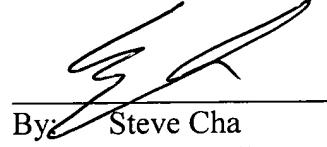
A check for \$150.00 is enclosed in payment of the fee for adding three claims in excess of 20.

For all the foregoing reasons, it is respectfully submitted that all the present claims are patentable in view of the cited references. A Notice of Allowance is respectfully requested.

Respectfully submitted,

Dan Piotrowski
Registration No. 42,079

Date: 1/31/05


By: Steve Cha
Attorney for Applicant
Registration No. 44,069

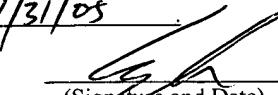
Mail all correspondence to:

Dan Piotrowski, Registration No. 42,079
US PHILIPS CORPORATION
P.O. Box 3001
Briarcliff Manor, NY 10510-8001
Phone: (914) 333-9624
Fax: (914) 332-0615

Certificate of Mailing Under 37 CFR 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to MAIL STOP AF, COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA. 22313 on 1/31/05.

Steve Cha, Reg. No. 44,069
(Name of Registered Rep.)


(Signature and Date)